

The legislative clerk called the roll.

The CHIEF JUSTICE. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 57, as follows:

[Rollcall Vote No. 2]

[Subject: Harkin motion to suspend the rules]

YEAS—43

Akaka	Feingold	Levin
Bayh	Feinstein	Lieberman
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Hutchison	Reed
Bryan	Inouye	Reid
Cleland	Johnson	Robb
Collins	Kennedy	Schumer
Conrad	Kerrey	Specter
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Edwards	Leahy	

NAYS—57

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Baucus	Gramm	Roberts
Bennett	Grams	Rockefeller
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sarbanes
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cochran	Jeffords	Snowe
Coverdell	Kyl	Stevens
Craig	Lincoln	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner

The CHIEF JUSTICE. Are there any other Senators wishing to vote or change their vote? If not, on this vote the yeas are 43, and the nays are 57. Two-thirds of the Senators voting, and a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. REID addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Nevada.

Mr. REID. May we have order in the Chamber, please?

The CHIEF JUSTICE. The Senate will be in order.

ORDER FOR CLOSED SESSION

Mr. LOTT. Mr. President, I move that we now go into closed session for the purpose of Senators debating the motion to dismiss.

The motion was agreed to.

The CHIEF JUSTICE. The Chair, pursuant to rule XXXV, now directs the Sergeant-at-Arms to clear the galleries, close the doors of the Chamber, and exclude all the officials of the Senate not sworn to secrecy.

RECESS

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 10-minute break for the purposes of closing the doors and preparing for the debate.

There being no objection, at 5:23 p.m., the Senate recessed until 5:50 p.m.; whereupon, the Senate reassem-

bled when called to order by the Chief Justice.

CLOSED SESSION

(At 5:50 p.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 9:51 p.m., at which time, the following occurred.)

OPEN SESSION

(At 9:51 p.m., the doors of the Chamber were opened and the Senate resumed proceedings in open session.)

Mr. NICKLES. I ask unanimous consent that the Senate now return to open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. NICKLES. I ask unanimous consent that when the Senate adjourns, it stand in adjournment until the hour of 12 noon on Tuesday, and I further ask consent that during the remainder of the trial it be in order for Members to submit unanswered questions to the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. On tomorrow, we will resume and begin debate on the motion to subpoena. I now ask unanimous consent that the time for argument be reduced to 4 hours, equally divided, as provided for under Senate resolution 16.

The CHIEF JUSTICE. Is there objection? It is so ordered.

Mr. NICKLES. Mr. Chief Justice, for the information of all colleagues, tomorrow we will begin the debate at 12 noon instead of 1 o'clock.

ADJOURNMENT UNTIL TOMORROW

Mr. NICKLES. I ask that the Senate stand in adjournment as under the previous order.

There being no objection, at 9:51 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Tuesday, January 26, 1999, at 12 noon.

(Under a previous order, the following material was submitted at the desk during today's session.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-926. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated December 30, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Foreign Relations.

EC-927. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on two violations of the Antideficiency Act involving the Occupational Safety and Health Administration Salaries and Expenses Account and the Working Capitol Fund Account; to the Committee on Appropriations.

EC-928. A communication from the Executive Director of the Northeast Low-Level Radioactive Waste Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC-929. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veteran's Appeals: Rules of Practice-Revision of Decisions on Grounds of Clear and Unmistakable Error" (RIN2900-AJ15) received on January 12, 1999; to the Committee on Veterans' Affairs.

EC-930. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an unauthorized transfer of U.S.-origin defense articles to a private firm by the Government of Israel; to the Committee on Foreign Relations.

EC-931. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (98-186 to 98-189); to the Committee on Foreign Relations.

EC-932. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties entered into by the United States (99-1 to 99-4); to the Committee on Foreign Relations.

EC-933. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's report on Defense purchases from foreign entities for fiscal year 1998; to the Committee on Armed Services.

EC-934. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Order for Supplies or Services" (Case 97-D024) received on January 12, 1999; to the Committee on Armed Services.

EC-935. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns" (Case 98-D310) received on January 12, 1999; to the Committee on Armed Services.

EC-936. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Simplified Acquisition Procedures" (Case 97-D306) received on January 12, 1999; to the Committee on Armed Services.

EC-937. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Announcement of Proposal Deadline for the Competition for the 1999 Brownfields Cleanup Revolving Loan Fund Pilots" (FRL6220-7) received on January 12, 1999; to the Committee on Environment and Public Works.